

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

This Document Relates to Plaintiff Joe Hayward Jr., as Expected Administrator of the Estate of Joe Hayward, 2:17-cv-01246-DGC

**FIRST AMENDED SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by Reference [*Doc. 364*]. Plaintiff(s) further show the Court as follows:

- 1. Plaintiff/Deceased Party:**

Joe Hayward

2. Spousal Plaintiff/ Deceased Party's spouse or other party making loss of consortium claim:

Joe Hayward Jr.

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Joe Hayward Jr., as Expected Personal Representative of the Estate of Joe Hayward

4. Plaintiff's/Deceased Party's state(s) of residence at the time of implant:

Missouri

5. Plaintiff's/Deceased Party's state(s) of residence at the time of injury:

Missouri

1 6. Plaintiff's current state(s) of residence:

2 Missouri

3 7. District Court and Division in which venue would be proper absent direct filing:

4 United States District Court for the District of Missouri

5 8. Defendants against whom Complaint is made:

6 C.R. Bard, Inc.

7 Bard Peripheral Vascular, Inc.

8 9. Basis of Jurisdiction:

9 Diversity of Citizenship

10 Other:

11 a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

12 N/A
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16 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a

17 claim (Check applicable Inferior Vena Cava Filter(s)):

18 Recovery® Vena Cava Filter

19 G2® Vena Cava Filter

20 G2® Express (G2®X) Vena Cava Filter

21 Eclipse® Vena Cava Filter

- Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other: _____

11. Date of Implantation as to each product: 8/2/2004

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability — Manufacturing Defect
 - Count II: Strict Products Liability — Information Defect (Failure to Warn)
 - Count III: Strict Products Liability — Design Defect
 - Count IV: Negligence — Design
 - Count V: Negligence — Manufacture
 - Count VI: Negligence — Failure to Recall/Retrofit
 - Count VII: Negligence — Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*
 - Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment

- Count XIV: Violations of Applicable Maryland Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- Yes
 No

1 Respectfully submitted this August 28, 2020.

2 /s/ Marlene J. Goldenberg
3 Stuart L. Goldenberg (*pro hac vice*)
4 Marlene J. Goldenberg (*pro hac vice*)
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